

### **REMARKS**

Claims 16 and 25 have been amended. Claims 16, 17, and 19-29 are currently pending in the application.

Amendments to claims 16 and 25 further clarify that e-tag reporters have a charge and that a capture agent when bound to undigested electrophoretic probes forms a complex with a charge opposite to that of the e-tag reporters. Basis for the concept that e-tag reporters have charge can be found on page 15, lines 27-29. Basis for the concept that released e-tag reporters have a charge opposite that of the capture agent-electrophoretic probe complex is on page 24, lines 8-12, and page 24, line 42, to page 25, line 2.

Claims 16 and 25 were further amended to change "non-oligomeric compound" back to the original claim language of "mobility modifier." Basis for this term is page 9, lines 1-9.

A new Sequence Listing is set forth above that conforms to the sequence listing rules. A computer readable form of the same is enclosed.

No new matter has been added by the amendments. Reconsideration is respectfully requested.

### **Rejections Under 35 U.S.C. 103**

In first paragraph 4 of the Office Action, the Examiner rejected claims 16-17, 19-21, and 23-24 under 35 U.S.C. 103(a) as being unpatentable over Grossman (5,470,705) in view of Babon (5,851,770). The Examiner essentially reiterated her argument presented in the prior Office Action.

Applicants respectfully disagree, particularly in view of the amendments. Applicants submit that Babon is no longer applicable, as the use of the capture agent in Applicants' invention to create a charge differential between undigested probe and released e-tag reporters is clearly different from the wash step disclosed by Babon. Applicants submit that neither Grossman nor Babon, either alone or together, disclose or suggest Applicants' invention as presently claimed, and therefore, respectfully request that the above rejection be withdrawn.

In second paragraph 4 of the Office Action, the Examiner rejected claim 22 under 35 U.S.C. 103(a) as being unpatentable over Grossman (cited above) in view of Babon (cited above), and further in view of Huie (5,470,967). The Examiner applied the above references essentially as described in the prior Office Action.

Applicants respectfully disagree with the rejection, particularly in view of the amendments. As mentioned above, Babon is no longer applicable for the reason stated above. Accordingly, Applicants respectfully request that the rejection be withdrawn.

In paragraph 6 of the Office Action, the Examiner rejected claims 25-28 under 35 U.S.C. 103(a) as being unpatentable over Grossman (cited above) in view of Babon (cited above) for essentially the same reasons as set forth for claims 16-17, 19-21 and 23-24 in a prior Office Action.

Applicants respectfully disagree in view of the amendments for the same reasons as stated above. Accordingly, Applicants respectfully request that the rejection be withdrawn.

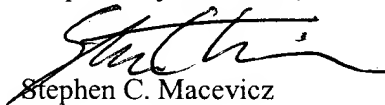
In paragraph 7 of the Office Action, the Examiner rejected claim 29 under 35 U.S.C. 103(a) as being unpatentable over Grossman (cited above) in view of Babon (cited above) and further in view of Ullman (U.S. patent 6,251,581B1). The Examiner applied Grossman and Babon as above and further argued that the specific structures recited in claim 29 are disclosed by the chemiluminescent compounds of Ullman.

Applicants respectfully disagree, particularly in view of the amendments. First, as stated above, Applicants submit that the disclosure of Babon is no longer applicable. Second, although Ullman discloses compounds similar to those recited in claim 29, the *compositions of Applicants' invention comprise pluralities of such compounds that form distinct peaks in an electropherogram upon electrophoretic separation*. Such compositions are neither disclosed nor suggested by Ullman. In fact, Ullman teaches away from such compositions because his objective is to provide a homogeneous assay based solely on optical (chemiluminescent) detection without any separation of the optically detected molecules. Accordingly, Applicants respectfully request that the rejection be withdrawn.

In view of the above, Applicants submit that the claims as written fully satisfy the requirements of Title 35 of the U.S. Code, and respectfully request that the rejections thereunder be withdrawn and that the claims be allowed and the application quickly passed to issue.

If any additional time extensions are required, such time extensions are hereby requested.  
If any additional fees not submitted with this response are required, please take such fees from  
deposit account **50-2266**.

Respectfully submitted,



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Enclosures:

Petition for Time Extension

Declaration of Sequence Listing with CRF on 3.5 inch diskette

Request for Continued Examination

Transmittal cover sheet

Fee Transmittal with deposit account withdrawal authorization.